

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ROBERT LEE MARTIN,
Plaintiff,

Case No. 1:12-cv-281
Weber, J.
Litkovitz, M.J.

vs.

GARY MOHR, et al.,
Defendants.

ORDER

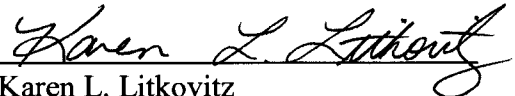
This matter is before the Court on defendants Brian Bendel, Casey Barr and J.T. Hall's motion to strike plaintiff's first request for production of documents. (Doc. 16). On May 23, 2012, plaintiff submitted a letter to the Court and a document captioned "Plaintiff's First Request for Production of Documents." (Doc. 13). Defendants move to strike plaintiff's document request on two grounds. First, they assert it is inappropriate pursuant to Fed. R. Civ. P. 26(d) to file discovery requests before a Rule 26(f) discovery conference has been held. Second, defendants contend that discovery requests must be served on the opposing party pursuant to Fed. R. Civ. P. 34(a) and may not be filed with the Court.

Because plaintiff is a prisoner who is proceeding pro se, this action is exempted from initial disclosure under Fed. R. Civ. P. 26(a)(1)(B), and the bar against seeking discovery prior to a Rule 26(f) conference therefore does not apply. *See* Fed. R. Civ. P. 26(d)(1). However, plaintiff must serve his discovery requests on defendants rather than file them with the Court. *See* Fed. R. Civ. P. 34(a) ("A party may serve on any other party a request within the scope of Rule 26(b). . . ."). Accordingly, defendants' motion to strike plaintiff's first request for production of documents from the record (Doc. 16) is GRANTED. The document request (Doc. 13, pp. 3-5) is hereby stricken

from the record. Plaintiff may serve the request for production of documents on defendants if he wishes to do so.¹

IT IS SO ORDERED.

Date: 9/24/12


Karen L. Litkovitz
United States Magistrate Judge

¹ A calendar order was established after defendants filed their motion and a discovery deadline of January 11, 2013, has been set. (Doc. 21).